

Remarks/Arguments

In the Office Action dated June 23, 2004, the Examiner rejected claims 1-8 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Further, claims 1-20 were rejected under 35 U.S.C. § 102 as being anticipated by *Tour Source, LeisureShopper*, U.S. Pat. No. 5,832,454 to Jafri et al.; PCT Appl. Ser. No. WO 97/176,680 to Tagawa; and U.S. Pat. No. 6,119,094 to Lynch et al. In response to the Office Action, Applicant has amended independent claims 1, 9, and 16, and cancelled claims 4-8, 12-15, 17, and 20. Applicant respectfully requests reconsideration of the claims 1-3, 9-11, 16, 18, and 19 as presently presented in view of the following remarks.

Claim Rejection Under 35 U.S.C. § 112

Claims 1-8 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office Action states that the term “appropriate parameters” is unclear. For clarity, Applicant has amended claim 1 to remove the term “appropriate.” Applicant believes that the term “parameters” is clear in view of the description on pages 12-13 of the original specification.

Rejection of Claims 1 and 16 Over *Tour Source* and *LeisureShopper*:

Independent claims 1 and 16 were rejected under 35 U.S.C. § 102(a) as being anticipated by *Tour Source* and *LeisureShopper* (the “Cited Systems”). Applicant respectfully disagrees

with the Office's interpretation of the teachings of the Cited Systems and their application to claims 1 and 16. While the Cited Systems provide certain features to their users that facilitate the travel product reservation process, they do not function as a travel product inventory and rate management system as is recited in claim 1 nor do they reveal a method of managing an inventory of travel products as is recited in claim 16. Rather, the Cited Systems are designed to facilitate a travel agent's ability to make bookings, not to provide management of inventory and rates. While the overall system of claims 1 and method of claim 16 are entirely different from the Cited Systems, several of the primary differences are explained below.

In particular, the Cited Systems do not include a bulk inventory and rate database as is recited in claims 1 and 16. The Office Action points to the Apollo and Sabre connections used by the Cited Systems as being the same as the claimed bulk inventory and rate database. As shown in FIGS. 2-4 of the application and described on pages 9-13 of the specification, while a connection to a Global Distribution System ("GDS") such as Apollo and Sabre could be used by the present system, the claimed bulk inventory and rate database is separate and apart from the inventory provided through a GDS.

The Office Action points to the ability of the Cited Systems to couple departure and return flights as being a "component bundler" as recited in claim 1 and the step of "combining travel products into a vacation package" as recited in claim 16. Notwithstanding the suspect interpretation of a round trip airline ticket as being two individual travel products bundled together, such a reading of the claim disregards the explicit claim language that requires the claimed system (claim 1) and method (claim 16) to bundle travel products supplied by a plurality of travel product suppliers into a vacation package. The Cited Systems simply do not do this.

Finally, claims 1 and 16 have been amended to include additional details about the bulk inventory and rate database including rules that allow the claimed system (claim 1) and methods (claim 16) to allocate inventory and determine pricing for individual travel products based on who is seeking to purchase them. While the Cited Systems may interact with fare rules that apply to different users, the Cited Systems themselves do not include the claimed feature.

In sum, the Cited Systems lacks several of the elements recited in independent claims 1 and 16. Thus, the Cited Systems do not anticipate those claims or the claims that depend therefrom.

Rejection of Claims 1-8 Over U.S. Pat. No. 5,832,454 to Jafri et al.:

Independent claim 1 (and dependent claims 2-8 which depend therefrom) were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 5,832,454 to Jafri et al. Applicant respectfully disagrees with the broad interpretation given to Jafri and its application to the system of claim 1. Jafri is a computerized reservation program that interfaces with one or more GDS such as Apollo or Sabre so as to provide multiple price itineraries to customers. (Jafri, abstract.) Jafri is not a travel product inventory and rate management system as is recited in claim 1.

With no substantive discussion, FIG. 2 of Jafri is identified as disclosing a database. Presumably the identification was made because of a belief that the Jafri “database” is the same as the “bulk inventory and rate database” of claim 1. However, the Jafri “database” as seen in FIG. 2 is a database of “files that relate primarily to displaying selections to the user to solicit the user’s input and displaying resulting availability information to the user, translating as necessary between information seen by the user and the information seen by the CRS. The City Pairs, Rental Cars, Hotels and Airlines files are of this type.” (Jafri, Col. 3, lines 44-49.) Accordingly,

as the cited Jafri database is not a “bulk inventory and rate database” as is recited in claim 1, Jafri does not anticipate claim 1.

The “component bundler” of claim 1 is stated as being disclosed in Jafri because FIG. 1 of Jafri shows a personal computer (“PC”). No explanation is given in Jafri as to how the PC could be used a component bundler nor is there any disclosure in Jafri of the bundling of a plurality of individual travel products into a vacation package as is recited in claim 1. Thus, because Jafri does not disclose a “component bundler” as recited in claim 1, it does not anticipate the claim.

In sum, there are several elements in claim 1 that are not taught by Jafri. Because Jafri does not anticipate claim 1, it also cannot anticipate the claims that depend from claim 1, namely claims 2 and 3.

Rejection of Claims 1-8 Over the Tagawa Application:

Independent claim 1 (and dependent claims 2-8 which depend therefrom) were rejected under 35 U.S.C. § 102(e) as being anticipated by PCT Appl. Ser. No. WO 97/176,680 to Tagawa. As with Jafri, no substantive explanation is given in the Office Action as to how Tagawa teaches each of the elements recited in claim 1. Accordingly, Applicant respectfully disagrees with the Office’s interpretation of Tagawa and its application to the system of claim 1.

The Office Action states that Tagawa discloses a database at FIG. 2c, part 128, presumably because it is believed to be the same as the bulk inventory and rate database recited in claim 1. However, as explained on pages 20-21 of Tagawa, the Tagawa database is not a true inventory database. Rather, it is simply a database that replicates inventory information from third party suppliers: “File server 112 obtains the information of these five categories of

inventory from outside vendors and update such inventory periodically; such information is obtained from vendors such as visitor attraction suppliers 130, airline reservation systems 106, car company reservation systems 134, computer reservation systems (CRSs) 136, hotel reservation systems 138 and wholesaler reservations systems 140.” (Tagawa at 21.)

Further, the Office Action points to Tagawa’s “file server 112” as being the same as the component bundler in claim 1. However, the Tagawa “file server 112” is not a component bundler and does not function as to compile or bundle at least two of a plurality of individual travel products into a vacation package. Rather, the Tagawa “file server 112” acts to obtain information from third party vendors and then populate a database with the information. (Tagawa at 21.)

In sum, there are several elements in claim 1 that are not taught by Tagawa. Because Tagawa does not anticipate claim 1, it also cannot anticipate the claims that depend from claim 1, namely claims 2 and 3.

Rejection of Claims 1-22 over Lynch:

Independent claims 1, 9, and 16 (and dependent claims 2-8, 10-15, and 17-22 which depend respectively therefrom) were rejected under 35 U.S.C. § 102(b) over U.S. Pat. No. 6,119,094 to Lynch et al. Applicant respectfully disagrees with the broad interpretation given to Lynch and its application to the system of claim 1 and the methods of claims 9 and 16. Lynch discloses a system for identifying alternate low-cost travel arrangements by obtaining information from one or more computer reservation systems. In essence, it is an elaborate system for comparison shopping of competing offerings from a variety of travel product providers. In

contrast, the system of claim 1 and the methods of claims 9 and 16 relate to a bulk inventory and rate management system that can bundle together at least two of a plurality of travel products into a vacation package.

With respect to claims 1 and 16, Lynch is stated to disclose a “bulk inventory and rate database” in FIG. 1. However, FIG. 1 of Lynch discloses no such thing. Rather, FIG. 1 of Lynch shows how the Lynch system access the inventory information available from one or more third party computer reservation systems 24. Unlike the Lynch system, the system of claim 1 and method of claim 16 include an inventory and rate management system with its own bulk inventory and rate database.

Additionally, with respect to claims 1 and 16, FIG. 1 of Lynch is stated to disclose a “component bundler” as recited in claims 1 and 16. However, the “set of low-priced alternatives” disclosed by FIG. 1 of Lynch refers to the third party supplier options that are found by the Lynch system based on the parameters provided by the person operating the system. (Lynch, col. 4, line 62- col. 5, line 6.) Unlike Lynch, the “component bundler” of claims 1 and 16 acts to bundle together at least two individual travel products into a combined vacation package. Thus, Lynch does not teach the claimed “component bundler.”

With respect to claim 9, the Office Action makes broad reference to FIG. 3 as teaching the claimed loading of the bulk inventory and rate database with inventory and rate information for a plurality of travel products provided by a plurality of travel product suppliers. As described at column 6, lines 1-57, of Lynch, the Lynch procedure reflected in the flowchart of FIG. 3 reflects the updating of the Lynch system with current information about inventory that is available from third party providers. In contrast, the “loading” step in the method of claim 9

refers to the loading of the bulk inventory and rate database with inventory information relating to the inventory of individual travel products of the operator the method. Thus, Lynch does not teach the “loading” step recited in claim 9.

In sum, Lynch fails to teach several elements recited in claims 1, 9, and 16. Because Lynch does not anticipate claim 1, it cannot anticipate claims 2 or 3 which depend therefrom. Similarly, because Lynch does not anticipate claims 9 or 16, it cannot anticipate claims 10-11 or 17-19 which depend respectively therefrom.

Conclusion

In view of the amendments and remarks presented herein, it is respectfully submitted that claims 1-3, 9-11, 16, 18, and 19 are in condition for allowance and reconsideration of same and notice of allowance of the claims is respectfully requested. Applicant submits that no new matter has been added to the application and requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application, particularly before the issuance of a final rejection.

Respectfully submitted,

GODFREY & KAHN, S.C.

Dated: Dec. 22, 2004

By: Brian G. Gilpin

Brian G. Gilpin
Registration No. 39,997

Attorneys of Record for the Applicant
GODFREY & KAHN, S.C.
780 North Water Street
Milwaukee, WI 53202-3590
Phone: (414) 273-3500
Facsimile: (414) 273-5198
E-mail: bgilpin@gklaw.com